

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: _____/19

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JANE DOE 1, JANE DOE 2, and JANE DOE 3, As
Administrator of the Estate of JOHN DOE, Deceased,Plaintiffs designate
BRONX COUNTY
as place of trial.*Plaintiffs,*

-against -

The basis of venue is the
location where the acts
occurred.

KEVIN LYNCH,

*Defendant.*SUMMONSPlaintiffs reside in
Hamilton County, OH;
Clark County, NV; and
Westchester County

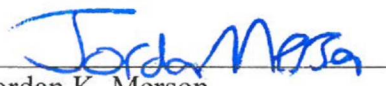
To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, BRONX COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
August 20, 2019

MERSON LAW, PLLC

By: 
Jordan K. Merson
Attorneys for Plaintiffs
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KEVIN LYNCH
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: _____/19

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JANE DOE 1, JANE DOE 2, and JANE DOE 3, As
Administrator of the Estate of JOHN DOE, Deceased,*Plaintiffs,*

-against -

**VERIFIED
COMPLAINT**

KEVIN LYNCH,

Defendant.

-----X

COMPLAINT AND JURY TRIAL DEMANDED

Plaintiffs¹ by and through their counsel Merson Law, PLLC, and as for their Complaint in this action against Defendant KEVIN LYNCH (hereinafter “defendant” or “Mr. Lynch”) hereby alleges the following:

FACTS OF THE CASE

1. This case involves Defendant, Kevin Lynch, who repeatedly sexually abused minors in his family, including his younger brother, sister and niece.
2. In or about December of 2005, Defendant sexually assaulted Jane Doe 1, while Jane Doe 1 was visiting defendant’s home for Christmas. Defendant is Jane Doe 1’s Uncle. Defendant took Jane Doe 1 into a room and forced her to perform oral sex on him and take her shirt off. Since the sexual assault, Jane Doe 1 has suffered severe emotional pain and suffering and she has been unable to live a normal life.
3. At the time of the assault, Jane Doe 1 was twelve years old.
4. At the time of the assault, Defendant was approximately 37 years old.

¹ Plaintiffs use a pseudonym because they are victims of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

5. Defendant sexually assaulted Jane Doe 1 while Jane Doe 1 was visiting his home for Christmas. Jane Doe 1 was asleep when Defendant, woke her up, took her into a room, and forced her to take her shirt off and perform oral sex on him.

6. During the abuse, Jane Doe 1 was choking and Defendant refused to stop.

7. In addition to the physical injuries from being assaulted and battered, Jane Doe 1 suffered and will continue to suffer permanent psychological trauma for the rest of her life.

8. The predatory, sexual attack on Jane Doe 1 by Defendant left her with severe and permanent physical and psychological injuries.

9. Beginning in or about 1980 and continuing until approximately 1985, Defendant sexually abused Jane Doe 2, then approximately between the ages of seven and twelve, by repeatedly forcing her to perform oral sex on him and otherwise sexually abusing her. Defendant was approximately between the ages of 13 and 18 when the abuse occurred.

10. In addition to the physical injuries from being assaulted and battered, Jane Doe 2 suffered and will continue to suffer for the rest of her life permanent psychological trauma.

11. The predatory, sexual attacks on Jane Doe 2 by Defendant left her with severe and permanent physical and psychological injuries.

12. In or about 1987, Defendant sexually abused John Doe (hereinafter "Decedent"), then twelve years old, by repeatedly forcing him to perform oral sex on him and otherwise sexually abusing him when Defendant was approximately twenty years old.

13. In addition to the physical injuries from being assaulted and battered, Decedent suffered permanent psychological trauma for the rest of his life.

14. The predatory, sexual attacks on Decedent by Defendant left him with permanent physical and psychological injuries.

AS AND FOR A FIRST CAUSE OF ACTION FOR JANE DOE 1**(BATTERY)**

15. Plaintiffs repeat reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 14., inclusive, with the same force and effect as if hereafter set forth at length.

16. In or about December of 2005, Jane Doe 1 was visiting her Uncle, Defendant Kevin Lynch, for Christmas when the defendant unlawfully molested her and forced her to perform oral sex on him for approximately thirty to forty-five minutes.

17. Defendant's predatory, sexual, and unlawful acts against plaintiff, amounted to a series of harmful and offensive contacts to Plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.

18. As a direct and proximate result of the aforementioned batteries, Jane Doe 1 has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

19. As a direct and proximate result of the aforementioned batteries, Jane Doe 1 has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will be obligated to expend sums of money for medical care and attention in an effort to cure herself of her injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

20. Jane Doe 1 is unable pursue her usual activities and employment, all due to her physical, psychological, and emotional injuries and damage she sustained due to the aforementioned batteries.

21. By reason of the foregoing, Jane Doe 1 was caused to sustain severe and serious personal injuries, a severe shock to her nervous system, and certain internal injuries, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that said plaintiff was incapacitated from attending her regular activities, and was caused to expend sums of money for medical care on her behalf.

22. By reason of the foregoing, the Jane Doe 1, is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar conduct.

AS AND FOR A SECOND CAUSE OF ACTION FOR JANE DOE 2

(BATTERY)

23. Plaintiffs repeat reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 22., inclusive, with the same force and effect as if hereafter set forth at length.

24. When Jane Doe 2 was between the ages of seven and twelve years old, Defendant forced her to perform oral sex on him frequently.

25. Defendant's predatory, sexual, and unlawful acts against Jane Doe 2, amounted to a series of harmful and offensive contacts to Jane Doe 2's person all of which were done intentionally by defendant to Jane Doe 2 without Jane Doe 2's consent.

26. As a direct and proximate result of the aforementioned batteries, Jane Doe 2 has sustained in the past, and will continue to sustain in the future, physical injury, pain and

suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

27. As a direct and proximate result of the aforementioned batteries, Jane Doe 2 has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will be obligated to expend sums of money for medical care and attention in an effort to cure herself of her injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

28. Jane Doe 2 is unable pursue her usual activities and employment, all due to her physical, psychological, and emotional injuries and damage she sustained due to the aforementioned batteries.

29. By reason of the foregoing, Jane Doe 2 was caused to sustain severe and serious personal injuries, a severe shock to her nervous system, and certain internal injuries, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that Jane Doe 2 was incapacitated from attending her regular activities, and was caused to expend sums of money for medical care on her behalf.

30. By reason of the foregoing, the Jane Doe 2, is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and Jane Doe 2 is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar conduct.

31. The amount of damages sought exceeds the jurisdiction of all lower courts that would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION FOR JANE DOE 3
ON BEHALF OF JOHN DOE

(BATTERY)

32. Plaintiffs repeat reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 31., inclusive, with the same force and effect as if hereafter set forth at length.

33. When Decedent was approximately twelve years old, Defendant, his approximately twenty-year-old brother, forced Decedent to perform oral sex on him.

34. Defendant's predatory, sexual, and unlawful acts against Decedent, amounted to a series of harmful and offensive contacts to Decedent's person all of which were done intentionally by defendant to Decedent without Decedent's consent.

35. As a direct and proximate result of the aforementioned batteries, Decedent has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

36. As a direct and proximate result of the aforementioned batteries, Decedent has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

37. Decedent was unable pursue his usual activities and employment, all due to his physical, psychological, and emotional injuries and damage he sustained due to the aforementioned batteries.

38. By reason of the foregoing, Decedent was caused to sustain severe and serious personal injuries, a severe shock to his nervous system, and certain internal injuries, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that said plaintiff was incapacitated from attending his regular activities, and was caused to expend sums of money for medical care on his behalf.

39. By reason of the foregoing, Decedent is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar conduct.

40. This action falls with exceptions to Article 16 of the C.P.L.R.

AS AND FOR A FOURTH CAUSE OF ACTION FOR JANE DOE 1

(ASSAULT)

41. Plaintiffs repeat reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 40., inclusive, with the same force and effect as if hereafter set forth at length.

42. Defendant's predatory, sexual and unlawful acts against Jane Doe 1, created a reasonable apprehension in Jane Doe 1 of immediate harmful or offensive contact to Jane Doe 1's person, all of which were done intentionally by defendant to plaintiff without Jane Doe 1's consent.

43. As a direct and proximate result of the aforementioned assault, Jane Doe 1 has sustained in the past, and will continue to sustain in the future, physical injury, pain and

suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

44. As a direct and proximate result of the aforementioned assaults, Jane Doe 1 has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself of her injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

45. Jane Doe 1 continues to be unable, to pursue her usual activities and employment all due to the physical, psychological and emotional injuries and damage she sustained due to the aforementioned assaults.

46. By reason of the foregoing, Jane Doe 1 is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

AS AND FOR A FIFTH CAUSE OF ACTION FOR JANE DOE 2

(ASSAULT)

47. Plaintiffs repeat reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 46., inclusive, with the same force and effect as if hereafter set forth at length.

48. Defendant's predatory, sexual and unlawful acts against Jane Doe 2, created a reasonable apprehension in plaintiff of immediate harmful or offensive contact to Jane Doe 2's

person, all of which were done intentionally by defendant to Jane Doe 2 without Jane Doe 2's consent.

49. As a direct and proximate result of the aforementioned assault, Jane Doe 2 has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

50. As a direct and proximate result of the aforementioned assaults, Jane Doe 2 has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself of her injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

51. Jane Doe 2 continues to be unable, to pursue her usual activities and employment all due to the physical, psychological and emotional injuries and damage she sustained due to the aforementioned assaults.

52. By reason of the foregoing, Jane Doe 2 is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and Jane Doe 2, is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

AS AND FOR A SIXTH CAUSE OF ACTION FOR JANE DOE 3
ON BEHALF OF JOHN DOE

(ASSAULT)

53. Plaintiffs repeat reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 52., inclusive, with the same force and effect as if hereafter set forth at length.

54. Defendant's predatory, sexual and unlawful acts against Decedent, created a reasonable apprehension in Decedent of immediate harmful or offensive contact to Decedent's person, all of which were done intentionally by defendant to Decedent without Decedent's consent.

55. As a direct and proximate result of the aforementioned assault, Decedent sustained physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

56. As a direct and proximate result of the aforementioned assaults, Decedent had incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and was obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

57. Decedent was unable, to pursue his usual activities and employment all due to the physical, psychological and emotional injuries and damage he sustained due to the aforementioned assaults.

58. By reason of the foregoing, Decedent is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the Decedent is further

entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

59. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

60. This action falls within the exceptions to Article 16 of the C.P.L.R.

AS AND FOR A SEVENTH CAUSE OF ACTION FOR JANE DOE 1

(FALSE IMPRISONMENT)

61. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 60., inclusive, with the same force and effect as if hereafter set forth at length.

62. In or about December of 2005, Defendant unlawfully captured Jane Doe 1 and held her against her will for between thirty and forty-five minutes leaving her unable to escape the sexual assault she endured at the hands of the Defendant.

63. Defendant intended to confine Jane Doe 1.

64. Jane Doe 1 was conscious of the confinement.

65. Jane Doe 1 did not consent to the confinement.

66. Defendant's confinement of plaintiff was not otherwise privileged, and therefore was unlawful.

67. As a direct and proximate result of the aforementioned false imprisonment, Jane Doe 1 has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

68. As a direct and proximate result of the aforementioned false imprisonment, Jane Doe 1 has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure herself of her injuries and to alleviate her pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

69. Jane Doe 1 continues to be unable to pursue her usual activities and employment all due to the physical, psychological and emotional injuries and damage she sustained due to the aforementioned false imprisonment.

70. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

71. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

72. This action falls within the exceptions to Article 16 of the C.P.L.R.

AS AND FOR A EIGHTH CAUSE OF ACTION FOR JANE DOE 1

(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

73. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 72., inclusive, with the same force and effect as if hereafter set forth at length.

74. Defendant engaged in outrageous conduct towards Jane Doe 1, with the intention to cause, or with reckless disregard for the probability of causing Jane Doe 1 to suffer severe emotional distress.

75. As a proximate result of the aforementioned assaults, batteries and false imprisonment to Jane Doe 1, she has suffered and continues to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses, all her damage in amounts to be proven at trial.

76. Defendant committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring Jane Doe 1 from an improper and evil motive amounting to malice and in conscious disregard of Jane Doe 1's rights, entitling Jane Doe 1 to recover punitive damages in amounts to be proven at trial.

AS AND FOR A NINETH CAUSE OF ACTION FOR JANE DOE 2

(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

77. Plaintiffs repeat reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 13., inclusive, with the same force and effect as if hereafter set forth at length.

78. Defendant engaged in outrageous conduct towards Jane Doe 2, with the intention to cause, or with reckless disregard for the probability of causing, Jane Doe 2 to suffer severe emotional distress.

79. As a proximate result of the aforementioned assaults, batteries and false imprisonment to Jane Doe 2, she has suffered and continues to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses, all her damage in amounts to be proven at trial.

80. Defendant committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring plaintiff from an improper and evil motive

amounting to malice and in conscious disregard of plaintiff's rights, entitling Jane Doe 2 to recover punitive damages in amounts to be proven at trial.

**AS AND FOR A TENTH CAUSE OF ACTION FOR JANE DOE 3 ON BEHALF
OF JOHN DOE**

(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

81. Plaintiffs repeat reiterate, and reallege each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 80., inclusive, with the same force and effect as if hereafter set forth at length.

82. Defendant engaged in outrageous conduct towards Decedent, with the intention to cause, or with reckless disregard for the probability of causing, Decedent to suffer severe emotional distress.

83. As a proximate result of the aforementioned assaults, batteries and false imprisonment to Decedent, he suffered extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses, all his damage in amounts to be proven at trial.

84. Defendant committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring plaintiff from an improper and evil motive amounting to malice and in conscious disregard of decedent's rights, entitling decedent to recover punitive damages in amounts to be proven at trial.

85. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

86. This action falls within the exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiffs demand judgement against defendant in such sum as a

jury would find fair, adequate and just containing the following relief:

A. A declaratory judgement that the actions, conduct and practices of Defendant complained of herein violated the laws of the State of New York;

B. An injunction and order permanently restraining Defendant from engaging in such unlawful conduct;

C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiffs for all monetary and/or economic harm; harm to their personal and professional reputations and loss of career fulfillment; for all non-monetary and/or compensatory harm, including but not limited to, compensation for physical anguish and mental anguish; all other monetary and/or non-monetary losses suffered by Plaintiffs; and that by reason of the foregoing, Plaintiffs sustained damages in a sum, pursuant to C.P.L.R. §3017, which exceeds the jurisdictional limits of all lower courts;


D. An award of punitive damages;

E. An award of costs that Plaintiffs have incurred in this action, as well as Plaintiffs' reasonable attorney's fees to the fullest extent permitted by law; and.

F. Such other and further relief as this Honorable Court may deem just and proper.

Dated: New York, New York
August 20, 2019

MERSON LAW, PLLC

By: 
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Sarah R. Cantos
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(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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JANE DOE 1, JANE DOE 2, and JANE DOE 3, As
Administrator of the Estate of JOHN DOE, Deceased,**ATTORNEY
VERIFICATION***Plaintiffs,**-against -*

KEVIN LYNCH,

Defendant.

-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiffs are not within the County where the attorney has his office.

Dated: New York, New York
August 20, 2019


JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
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Plaintiffs,

-against -

KEVIN LYNCH,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

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To: All Parties
